

From: [McGuire, Robert \(USATNM\)](#)
To: [Rascoe Dean](#)
Cc: [Sean Hecker](#); [Jenna Dabbs](#); [David Patton](#); [Warren, Jacob \(NSD\)](#); [Eason, Chris \(USATXE\)](#); [Franker, Jeremy \(CRM\)](#); [Harley, Jason \(USAOKW\)](#)
Subject: RE: Kilmar Abrego Garcia: Updated Draft Plea Agreement
Date: Saturday, August 2, 2025 11:57:12 AM
Attachments: [image002.png](#)

Thanks Rascoe –

We will get to work on our side. Thanks –

Rob

From: Rascoe Dean <rdean@srvhlaw.com>
Sent: Saturday, August 2, 2025 7:12 AM
To: McGuire, Robert (USATNM) <Robert.McGuire@usdoj.gov>
Cc: Sean Hecker <shecker@heckerfink.com>; Jenna Dabbs <jdabbs@heckerfink.com>; David Patton <dpatton@heckerfink.com>; Warren, Jacob (NSD) <Jacob.Warren2@usdoj.gov>; Eason, Chris (USATXE) <Chris.Eason@usdoj.gov>; Franker, Jeremy (CRM) <Jeremy.Franker@usdoj.gov>; Harley, Jason (USAOKW) <Jason.Harley@usdoj.gov>
Subject: [EXTERNAL] Re: Kilmar Abrego Garcia: Updated Draft Plea Agreement

Hi Rob,

I hope you're enjoying the weekend. Mr. Abrego's preferred third countries are Mexico, Costa Rica, and Panama.

Thanks,

Rascoe

From: Rascoe Dean <rdean@srvhlaw.com>
Sent: Wednesday, July 30, 2025 12:32 PM
To: McGuire, Robert (USATNM) <Robert.McGuire@usdoj.gov>
Cc: Sean Hecker <shecker@heckerfink.com>; Jenna Dabbs <jdabbs@heckerfink.com>; David Patton <dpatton@heckerfink.com>; Warren, Jacob (NSD) <Jacob.Warren2@usdoj.gov>; Eason, Chris (USATXE) <Chris.Eason@usdoj.gov>; Franker, Jeremy (CRM) <Jeremy.Franker@usdoj.gov>; Harley, Jason (USAOKW) <Jason.Harley@usdoj.gov>
Subject: RE: Kilmar Abrego Garcia: Updated Draft Plea Agreement

Thanks very much, Rob. We're going to try to share a list of preferred countries with you before the end of the week, and we will get back to you about any agreement re: Mr. Abrego remaining in custody post plea.

Thanks,

Rascoe

From: McGuire, Robert (USATNM) <Robert.McGuire@usdoj.gov>
Sent: Wednesday, July 30, 2025 11:10 AM
To: Rascoe Dean <rdean@srvhlaw.com>
Cc: Sean Hecker <shecker@heckerfink.com>; Jenna Dabbs <jdabbs@heckerfink.com>; David Patton <dpatton@heckerfink.com>; Warren, Jacob (NSD) <Jacob.Warren2@usdoj.gov>; Eason, Chris (USATXE) <Chris.Eason@usdoj.gov>; Franker, Jeremy (CRM) <Jeremy.Franker@usdoj.gov>; Harley, Jason (USAOKW) <Jason.Harley@usdoj.gov>
Subject: RE: Kilmar Abrego Garcia: Updated Draft Plea Agreement

Rascoe –

Thanks for this email. We're reviewing your redline changes and will get back to you after we've had a chance to discuss your proposals.

We're tracking your proposal in Para 18 regarding Mr. Abrego's status in the third country and want to flag that our ability to agree to it will largely depend on which country/countries we can work with on that score going forward. To that end, getting your list of preferred countries back to us will be important and the sooner the better on that. We're hoping to cast a wide net so we can report back to you with the countries who would be willing to receive Mr. Abrego and the status they'd be willing to confer on his arrival. It's certainly possible that different countries will have different approaches, and we know your client will want to consider the relative strengths of each country's approach as part of this process.

Finally, and we've not talked about this before, but we're assuming that post-plea Mr. Abrego will agree to remain in USMS custody pending sentencing under the auspices of 18 USC 3143. Is that understanding as well? From our perspective, the statute is fairly clear on that point, and it makes the most sense to us for him to remain in USMS custody pending sentencing. As you know, usually, the pre-sentence report writer needs 90 to 120 days to get the PSR done. If Mr. Abrego pled by mid-August, then we could potentially have sentencing this year. Please let us know if that's your understanding as well or if you all have a different idea about post-plea detention.

We'll look forward to your preferred list of countries so we can get more focus on that important piece of these discussions.

Thanks –

Rob

From: Rascoe Dean <rdean@srvhlaw.com>
Sent: Tuesday, July 29, 2025 10:05 PM
To: McGuire, Robert (USATNM) <Robert.McGuire@usdoj.gov>
Cc: Sean Hecker <shecker@heckerfink.com>; Jenna Dabbs <jdabbs@heckerfink.com>; David Patton <dpatton@heckerfink.com>; Warren, Jacob (NSD) <Jacob.Warren2@usdoj.gov>; Eason, Chris (USATXE) <Chris.Eason@usdoj.gov>; Franker, Jeremy (CRM) <Jeremy.Franker@usdoj.gov>; Harley, Jason (USAOKW) <Jason.Harley@usdoj.gov>
Subject: [EXTERNAL] Kilmar Abrego Garcia: Updated Draft Plea Agreement

Hi Rob,

Thanks again for sending over a draft plea agreement last week. Attached for your review is an updated draft of the agreement, as well as a redline of our edits to the original draft.

These documents reflect several substantive changes to the agreement. Specifically, we have edited the plea agreement as follows:

- As part of the agreement, Mr. Abrego will plead to Count Two, and the government will move to dismiss Count One at sentencing.
- We have narrowed the factual basis to reflect Mr. Abrego's plea to Count Two only.
- Instead of including no agreement as to the guidelines range, we have proposed a stipulated post-acceptance offense level of 11 and CHC of I, which yields a stipulated guidelines range of 8-14 months. Because we're contemplating a Rule 11(c)(1)(B) agreement, the stipulated guidelines range would obviously only be binding on the parties.
- We added language in Paragraph 18 regarding "diplomatic assurances" from any third country regarding Mr. Abrego having permanent resident status and being allowed to live safely and freely there. We may propose adding additional language to the "Immigration Consequences" section as third-country negotiations progress.

We welcome your feedback on these changes. Also, we will try to share a list of preferable North and Central American countries with you as soon as we can.

Thanks,

Rascoe



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